

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LORENA SUAREZ GUZMAN,

Plaintiff,

v.

PERI & SONS FARMS OF CALIFORNIA,
LLC, et al.,

Defendants.

No. 1:21-cv-00348-NONE-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION TO CONSOLIDATE

(Doc. Nos. 35, 51)

Plaintiff filed a class action complaint against defendants Peri & Sons Farms of California, LLC and Roy Estrada in the Imperial County Superior Court, alleging violations of applicable Industrial Welfare Commission (“IWC”) Wage Orders, California Labor Code sections 201, 202, 226, 226.7, 510, 512, 1194, 1197, and the California Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 *et seq.*, on August 31, 2020.¹ (Doc. No. 1-2.) Defendants removed this action to the to the United States District Court for the Southern District of California on October 2, 2020, asserting federal diversity jurisdiction and jurisdiction under the Class Action Fairness Act (“CAFA”). (Doc. No. 1.) The case was transferred to this court after defendants’ motion to change venue was granted on March 8, 2021. (Doc. Nos. 23-1, 24.)

¹ On October 29, 2020, plaintiff filed an amended complaint, adding George Mainas as a named defendant. (Doc. No. 10.) On April 29, 2021, the parties filed a stipulation dismissing, without prejudice, defendant Mainas from the action. (Doc. No. 32.)

1 Plaintiff filed a representative action under the California Labor Code Private Attorney
2 Generals Act (“PAGA”), California Labor Code § 2698 *et seq.*, against defendants in the Imperial
3 County Superior Court (the “PAGA action”) on October 8, 2020. (Doc. 35-2.) Defendants
4 renewed their motion to consolidate the instant action with the PAGA action on April 30, 2021.²
5 (Doc. No. 35.) This matter was referred to the assigned magistrate judge for the preparation of
6 findings and recommendations on May 4, 2021. (Doc. No. 38.)

7 The magistrate judge issued findings and a recommendation on August 2, 2021,
8 recommending that defendant’s motion to consolidate be denied on the ground that the court lacks
9 jurisdiction over the case sought to be consolidated with this one. (Doc. No. 51.) The findings
10 and recommendation provided that any party could file objections thereto within twenty-one (21)
11 days. (*Id.* at 7–8.) To date, no objections have been filed. (*See* Docket.)

12 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
13 *de novo* review of the case. Having carefully reviewed the entire file, the court finds that the
14 findings and recommendation are supported by the record and proper analysis.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The findings and recommendation issued August 2, 2021 (Doc. No. 51) are adopted
17 in full; and
- 18 2. The motion to consolidate (Doc. No. 35) is denied.

19 IT IS SO ORDERED.

20 Dated: September 22, 2021

21 
UNITED STATES DISTRICT JUDGE

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27 ² Defendants initially filed their motion to consolidate in the United States District Court for the
28 Southern District of California on November 23, 2020. (Doc. No. 18.) That district court denied
the motion without prejudice in light of the venue transfer. (Doc. No. 23-2.)